

**HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE G.V.SEETHAPATHY**

WRIT PETITION NO.15181 of 2006

Between:

Sabhavata Jagna S/o Jayaram, Occ: Agriculture
R/o Todelugundu Tanda, H/o Kalakonda village,
Madugul Mandal, Mahaboobnagar District.

...Petitioner

A n d

The Secretary to Government, Panchayatraj Department,
Government of A.P .,Hyderabad and others

...Respondents

:: ORDER ::

Counsel for the Petitioner : Sri C.Buchi Reddy

Counsel for the Respondents 1 & 3 to 5: Government Pleader for

Panchayat Raj

Counsel for respondent No.2 : Sri V.V.Prabhakara Rao

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01st August, 2006
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Per G.S.Singhvi, C.J

The petitioner who is a resident of Todelugundu Tanda, Kalakonda Village, Madugul Mandal, Mahabubnagar District has challenged the action of Deputy District Election Authority and Revenue Divisional Officer, Mahabubnagar (respondent No.4) to reserve the office of sarpanch of Kalakonda Gram Panchayat for general category on the ground of violation of Rules 8 and 9 of the Andhra Pradesh Panchayat Raj (Reservation of Seats and Officers of Gram Panchayats, Mandal Parishads and Zilla Parishads) Rules, 2006 and has prayed for quashing the same.

The principal ground on which the petitioner has questioned the reservation of the office of Sarpanch for general category is that while making reservation, respondent No.4 did not take into consideration the population of various castes including Scheduled Tribes and, instead of reserving the office in favour of Scheduled Tribe, the same has been earmarked for general category.

We have heard learned counsel for the parties. In our opinion, it is not necessary to adjudicate on the tenability of the prayer made by the petitioner because any adjudication on the legality of the reservation of the office of sarpanch would directly affect the candidature of those who have been found eligible to contest the election and none of them has been impleaded as party to the writ petition. In our considered view, without hearing the persons likely to be affected by adjudication of the writ petition, this Court cannot annul

the reservation of the office of Sarpanch of Gram Panchayat, Kalakonda Village for general category.

With the above observations, the writ petition is dismissed. However, we make it clear that this order shall not preclude the petitioner from challenging the result of the election by filing appropriate petition under Section 233 of the Andhra Pradesh Panchayat Raj Act, 1994. In such a petition, petitioner shall be entitled to question the reservation of the office of sarpanch for general category.

As a sequel to dismissal of the main petition, W.P.M.P.No.18903 of 2006 filed by the petitioner is disposed of as infructuous.

G.S.SINGHVI, CJ

G.V.SEETHAPATHY, J

01st August 2006
RAR/svs